



NOV 23 2004

PTO/SB/17 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEES TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$130.00

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 10/696,959 |
| Filing Date | 10/30/2003 |
| First Named Inventor | Craig C. Hodges |
| Examiner Name | M. Haghigian |
| Art Unit | 1616 |
| Attorney Docket No. | 00020.08CON |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

| | |
|------------------------|---------------|
| Deposit Account Number | 502731 |
| Deposit Account Name | |

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|-------------------|--------------|---------------|---------------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| | -20** = | 0 X _____ = | 0.00 |
| Independent Claims | -3** = | 0 X _____ = | 0.00 |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Description |
|-------------------|--------------|---|
| 1202 | 18 | 2202 9 Claims in excess of 20 |
| 1201 | 84 | 2201 42 Independent claims in excess of 3 |
| 1203 | 280 | 2203 140 Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 42 ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | \$0.00 |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------------|--------------|---------------|---------------|--|---------------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non - English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | 130.00 |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR § 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | | |

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

\$130.00

SUBMITTED BY

Complete if applicable

| | | | | | |
|-------------------|--------------------|--------------------------------------|--------|-------------------|--------------|
| Name (Print/Type) | Elaine C. Stracker | Registration No. (Attorney/Agent) | 43,166 | Telephone | 650-687-3905 |
| Signature | | | Date | November 23, 2004 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



11-24-04

PATENT
Docket: 00020.08CON

NOV 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HODGES, et al.

Serial No.: 10/696,959

Filing Date: 10/30/2003

Date: November 23, 2004

For: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN INHALATION ROUTE

Petition for Correction of Filing Receipt

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED AS BEING ATTACHED OR ENCLOSED HEREWITH ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL OFFICE ON Nov. 23, 2004. AS EXPRESS MAIL N AN ENVELOPE ADDRESSED TO: MAIL STOP PETITION , COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, VA 22313-1450


Elane C. Stracker

Dear Sir:

Applicants petition the Patent and Trademark Office to issue a corrected filing receipt for the above-identified non-provisional patent application. Applicants filed said application on October 30, 2003 claiming priority back to the original provisional 60/296,225 filed on 06/05/2001, as was indicated on the Application Data Sheet filed with the application (see attached copy attached).

At the time of filing, the instant application was a continuation of, and co-pending with, application 10/146,515 filed 5/13/2002. The USPTO issued a Filing Receipt on Feb. 11, 2004 for the instant application. This receipt correctly identified the instant application as a CON of 10/146,515 filed 10/13/2002, which was a CIP of 10/057,198 filed 10/25/2001 and a CIP of 10/057,197 filed 10/26/2001; however, the priority claim to the original provisional application 60/296,255 filed 06/05/01 was deleted.

On March 17, 2004, Applicants responded by filing a Request for Correction of Filing Receipt again noting that the instant application claimed benefit of the provisional application 60/296,255 (see attached.) On April 6, 2004, the USPTO responded by stating that the priority,

11/26/2004 AWONDAF1 00000037 502731 10696959

01 FC:1464

130.00 DA

which was claimed, was filed over a year prior to the filing date of this application (see Response to Request For Corrected Filing Receipt attached). While the original provisional application was filed more than a year before the instant application, the instant application is a continuation of a co-pending application, which properly claimed priority to the provisional application. Thus, a claim to priority to this provisional for the instant application is proper and was timely and properly filed in compliance with requirements under MPEP 201.11. Thus, Applicants respectfully request that a new Filing Receipt be issued that shows the correct priority information.

The Applicants accordingly request the Director to grant this petition and authorized the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 502731. Applicants, however, believe that as this rejection to a petition to correct was improperly given, no fee should be necessary. In the event the Director agrees, applicants request refund of such fees to the Deposit Account above. If the Director, believes a telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned at (650) 687-3905. Please direct all correspondence to the following customer number: 37485.

Respectfully Submitted,



Elaine C. Stracker. Ph.D., J.D., Reg. No. 43,166
Intellectual Property Consultant
Alexza Molecular Delivery Corporation
1001 East Meadow Circle
Palo Alto, CA 94303
TEL: (650) 687-3905
FAX: (650) 687-3999

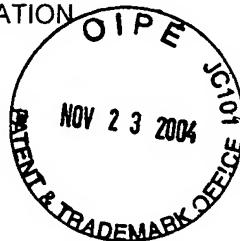


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/696,959 | 10/30/2003 | Craig C. Hodges | 00020.08CON |

37485
 ALEXZA MOLECULAR DELIVERY CORPORATION
 1001 EAST MEADOW CIRCLE
 PALO ALTO, CA 94303



CONFIRMATION NO. 8482



OC000000012289473

Date Mailed: 04/06/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- The application(s) to which priority is claimed were filed over a year prior to the filing date of this

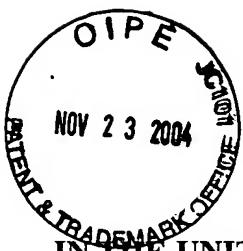
application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

- To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

J. Sauer

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PATENT
Docket: 00020.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HODGES, et al.

Serial No.: 10/696,959

Filing Date: 10/30/2003

Date: March 17, 2004

For: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN
INHALATION ROUTE

Request for Correction of Filing Receipt

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE
DOCUMENTS REFERRED AS BEING ATTACHED OR
ENCLOSED HEREWITH ARE BEING DEPOSITED WITH
THE UNITED STATES POSTAL OFFICE ON March 17, 2004.
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED
TO: COMMISSIONER FOR PATENTS, PO Box 1450,
Alexandria, VA 22313-1450

Lissa Oros

Dear Sir:

Applicants request that the Patent and Trademark Office issue a corrected filing receipt for the above-identified non-provisional patent application. The priority information is incorrectly listed in the filing receipt (as shown on the attached copy). Applicants respectfully request that a new Filing Receipt be issued that shows the correct priority information.

Respectfully Submitted,

Elaine C. Stracker, Ph.D., J.D., Reg. No. 43,166
Vice President of Intellectual Property
Alexza Molecular Delivery Corporation
1001 East Meadow Circle
Palo Alto, CA 94303
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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/696,959 | 10/30/2003 | 1616 | 385 | 00020.08CON | 14 | 17 | 1 |

CONFIRMATION NO. 8482

37485
 ALEXZA MOLECULAR DELIVERY CORPORATION
 1001 EAST MEADOW CIRCLE
 PALO ALTO, CA 94303

FILING RECEIPT



OC000000011875541

Date Mailed: 02/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Craig C. Hodges, Walnut Creek, CA;
 Peter M. Lloyd, Walnut Creek, CA;
 Daniel Mufson, Napa, CA;
 Daniel D. Rogers, Oakland, CA;
 Martin J. Wensley, San Francisco, CA;

Assignment For Published Patent Application

Alexza Molecular Delivery Corporation, Palo Alto, CA;

Domestic Priority data as claimed by applicant

This application is a CON of 10/146,515 05/13/2002 PAT 6,682,716
 which is a CIP of 10/057,198 10/26/2001
 and is a CIP of 10/057,197 10/26/2001

This application claims benefit of 60/296,225 06/05/01

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2004

Projected Publication Date: 05/20/2004

Non-Publication Request: No

Early Publication Request: No

Docketed: Initial filing receipt
 Reminder: 03/11/04
 Final Due Date: _____

** SMALL ENTITY **

Title

Delivery of aerosols containing small particles through an inhalation route

Preliminary Class

424

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

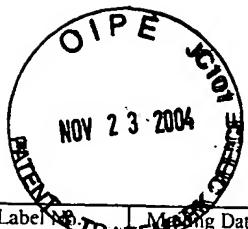
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



| | | | |
|--|-------------------------------|-------------------------------|--|
| Attorney's Docket No. 00020.08CON | Express Mail Label No. N/A | Filing Date March 17, 2004 | For PTO Use Only <i>Do Not Mark in This Area</i> |
| Application No. 10/696,959 | Filing Date 10/30/2003 | Attorney ECS | |
| Title of the Invention DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES THROUGH AN INHALATION ROUTE | | | |
| Applicant HODGES, et al. | | | |
| Enclosures | | | |
| Request for Correction of Filing Receipt (1 pp.) Corrected Copy of Filing Receipt (2 pp.) | | | |

